

NPDES Permits 101

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A Permit is a Contract

- ☐ Agreement on the conditions of a pollutant discharge and activities that could allow discharges.
 - ☐ Binding to both parties.
 - ☐ Enforceable Requirements.
 - ☐ Permit as a Shield
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NPDES Administrative Cycle

- ☐ Permits are limited to 5 years
 - ☐ Duty to Re-Apply
 - ☐ Can be Administratively Continued
 - ☐ Public Notice is Required
 - ☐ Procedures for Modification, Appeals, etc.
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NPDES Permit Format

- ☐ Cover Page
 - ☐ Limits and Monitoring
 - ☐ Special Conditions
 - ☐ Standard Conditions

 - ☐ Self Monitoring and Reporting (DMRs)
 - ☐ Tracking and Enforcement
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Technology vs. Water Quality-based Limits

- ☐ Minimum Technology requirements must be met in all permits.
 - ☐ If there is a “reasonable potential to cause or contribute” to exceedance of a WQ standard, then the permit must include WQ-based limits.
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Technology Limits for POTWs

☐ Secondary Treatment

- Primary Treatment (Settling) + a Secondary Biological Process.
 - Weekly Average and Monthly Average Limits for BOD and TSS.
 - Percent Removal Requirement.
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Treatment Equivalent to Secondary Treatment

- Lagoons and Trickling Filters
 - Less Stringent limits for BOD, TSS, and Percent Removal.
 - Based on the nature of the processes and economics.
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Technology Requirements for Industrial Facilities

- ❑ Based on Industry Specific Guidelines set in regulation.
 - ❑ Industries are specified by SIC Code.
 - ❑ If an Industry is not covered by a guideline, then limits are set based on Best Professional Judgment, using similar Industries as guidance.
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Effluent Guidelines

- ❑ Based on Best Technologies to treat a given waste type.
 - ❑ Limits are based on production:
 - Ex: For production of 1000# of Product the permittee may discharge 0.5# of pollutant.
 - A few limits are concentration based.
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Guideline Development

☐ New Guidelines

- Meat Industry
- CAFO
- Intakes for Powerplants – 316(b)

☐ Under Development

- Water Treatment plants
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Water Quality-based Permits

- ☐ Reasonable Potential
 - ☐ Wasteload Allocation (WLA)
 - Water Quality Review Sheet
 - A WLA is a set of calculations of site specific allotments of pollutants for a single facility.
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Waste Load Allocations

- ❑ Standardized Procedures
 - ❑ Emphasis on site specific information
 - ❑ Great Variety and Complexity
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Considerations in a WLA

- ☐ Use Designation
 - ☐ Narrative Criteria
 - ☐ Numeric Criteria
 - ☐ Effluent and Stream Flow Rates
 - ☐ Ambient Conditions
 - ☐ Protection at specific places and times
 - ☐ WLA usually expressed as #/day
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Permit Limits

- Statistics are used to used to translate a WLA to permit limits.
 - Permit should be clear and concise in stating requirements.
 - The permit is a contract.
 - The permit can be a shield.
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Thumping the Bible

- ❑ Permits must be protective of WQS.
 - 40 CFR § 122.4(a)
 - ❑ Cannot issue a permit to a new source that will cause or contribute to a violation of WQS.
 - 40 CFR § 122.4(i)
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